UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,192	08/18/2000	Steven G. LeMay	IGT1P031	6816

22434 7590 11/20/2006

BEYER WEAVER & THOMAS, LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/642,192	LEMAY ET AL.	
	Examiner	Art Unit	
	Sunit Pandya	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14 and 16-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-14, 16-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the Request for Continued Examination (RCE) filed on 9/11/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-6, 11, 12, 16, 18, 19, 22, 23, 24, 32, 34-36, 38, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al, U.S. 6,113,492 (Sep. 5, 2000) in view of Chamoff et al., U.S. 4,468,750 (Aug. 28, 1984), Barakai et al., U.S. 5,103,079 (Apr. 7, 1992), Nair et al., U.S. 5,466,920 (Nov. 14,1995) and Hedrick et al, U.S. 6,135,884 (Oct. 24, 2000).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Walker discloses a gaming machine in which the CPU acts as a controller for controlling a wagering game and its associated peripherals including a player-tracking device. *See fig. 1; col. 5:6-32.* The particular features of the listed claims are discussed below.

Claims 1 and 24: Walker teaches the following features:

a. A housing. *See fig. 1(100).*

b. A master gaming controller ("MGC") mounted with the housing designed and configured to control games played on a gaming machine and directly controlling operating features of a plurality of physical devices coupled to the gaming machines (devices such as display device, keypads, card readers etc.), in response to player tracking events. *See fig. 1(110, 162, 164, 166).* The computer aspect allows of loading gaming software for execution from a memory using one or more configuration files that specify the gaming software to load wherein one or more configuration files allow the gaming machine to be loaded with gaming software that is customized to operational requirements of a particular gaming jurisdiction and wherein the loaded software includes player tracking software. *Col. 5:6-32.* A wireless communication interface is also included to create network between the slot machines and a slot network server, wherein the network server contains all game related activity information being passed from the slot machines to the slot network server (gaming activity related information could include items such as amount wagered by the player, player win/loss amount etc.) *Col. 12:47-4.*

c. A main display coupled to the housing used to display games controlled by the gaming controller. *See fig. (132, 134, 136).*

d. Devices coupled to the housing for accepting indicia of credit for making wagers on the gaming machine. *See fig. 1(142-145, 148).*

e. Output devices coupled to the housing for dispensing indicia of credit. *See fig. 1.*

f. Input deices coupled to the housing for inputting player-tracking information. *See fig. 1(160).*

g. A communication interface for transmitting player-tracking information to a site outside the gaming machine. *See fig. 1(150).*

h. A memory storing game device software that allows the master gaming controller to operate on the game event and allows the master gaming controller to provide gaming services. *See fig. 1(116, 118).*

In addition, the gaming system disclosed by Walkers provides player tracking services, including evaluating player tracking events, through a player tracking unit operatively connected to the MGC. *See fig. 1(160), 11, and 12.* However, the disclosure does not discuss whether software for the player-tracking unit is executed within the MGC or the player-tracking unit itself. Thus, it cannot be conclusively stated that Walker teaches a MGC which executes player-tracking software for performing player-tracking functions and for providing player tracking services; directly controls the operating features of a plurality of physical devices to perform the functions of a player tracking unit without a separate player-tracking unit providing player-tracking services comprised of player tracking devices; and a executes player tracking software to operate the player-tracking devices. Regardless, as discussed below, these features would have been obvious to an artisan at the time of the invention.

It is well known that a typical gaming controller is capable controlling several simultaneous tasks including executing a software application and controlling a plurality of peripherals devices. For example, Walker illustrates a controller executing a wagering game application while controlling a coin hopper, coin acceptor, various selectors and a reel controller. *See fig. 1.* Moreover, Walker teaches that the functions of the peripheral devices having embedded controllers may instead by perform entirely by software executed by the main controller. *See col. 5:20-33.* Thus, it is within the ordinary skill of a gaming artisan to execute software for peripheral game devices within a MGC or the player-tracking unit itself. However the disclose does not discuss whether the plurality of peripherals device includes a second display. However Hedrick discloses of a gaming machine, which includes a secondary display device. *See col. 3:25-34.*

Furthermore, it is known in the analogous arts to execute software for controlling and evaluating data from a transaction input device within the central controller rather than a transaction input unit itself. For example, Chamoff discloses that before 1985 it was common practice for transaction input devices to lack high level functions of their own, and instead rely software executed entirely within on a central controller. *See col. 2:65-3:6.* This common practice would have been within the ordinary knowledge of a gaming artisan.

Still furthermore, it is known in the analogous arts to execute software for controlling and evaluating data from a transaction input unit comprised of a card reader, display and keypad within a central controller rather than the transaction unit itself. In

particular, Barakai discloses a transaction input unit for controlling and tracking data cards. As in Walker, the system is comprised of a central controller, card reader, keypad and display. *See fig. 1.* In contrast to Walker, Barakai explicitly states that the controller is suitable for running programs and directly controlling the card reader, keypad and display. *See col. 2:58-3:6.* Thus, it is known in the art to execute software for controlling and managing transaction input units entirely within the central controller rather than within the transaction input device itself.

The transaction input units discussed above are equivalent to the player tracking unit claimed by the applicant because the function in substantially the same way for the same purpose. Vending machines, cash registers and slot machine all fall within the broader category of point-of-sale devices. Each type of device contains a combination of user interface unit to input and display data to obtain goods and services at a point of sale. In the case of a vending machine, the point of sale device provides a good. In the case of a gaming device, the point of sale device provides a game of chance. Thus, the methods and systems used in point-of-sale devices are within the knowledge of gaming artisans and are applicable to gaming machines.

The motivation to modify the Walker to execute software for the player tracking unit within the MGC rather than the player tracking unit itself is within the ordinary knowledge of an artisan. Namely, elimination of components from a transaction input unit reduces the unit's cost and simplifying the process of manufacturing it. *See, e.g., Nair et al., U.S. 5,466,920 (Nov. 14, 1995).*

Consequently, in view of the prior art discussed above, it would have been obvious to modify Walker, wherein a game controller controls a plurality of peripheral devices, to include the feature of executing software for the player tracking units within the controller and thereby evaluate player tracking events; directly control operating features of a plurality of physical devices to perform the functions of a player tracking unit without a separate player-tracking unit providing player-tracking services comprised of player tracking devices. The modification would enhance the system by reducing the player-tracking unit's cost and simplifying the process of manufacturing it. *See id.*

Claims 3 and 38. Walker teaches a keypad, card reader, a pushbuttons and a display. *See fig. 1.* Touch-screens, microphones, wireless interfaces and barcode readers are equivalent devices known in the art as being substitutable for the purpose of receiving inputs from patrons.

Claims 4 and 34. Walker does not disclose of a sound projection device for outputting the player tracking information.

Nair however teaches of a beeper used to generate audible alarm sounds or signals in response to a signal from the microcomputer. *See col. 16:1-7.*

It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Walker's player tracking to include a sound projection device for outputting the player tracking information, to enhance the tracking ability.

Claims 5 and 35. Walker teaches the claimed invention however does not disclose of a secondary displaying being a monitor, a LCD or a fluorescent display for displaying additional information related to the game.

Hedrick et al. however teaches of secondary display which maybe a flat panel cathode ray tube, a LCD display, digital micro-mirror display, an LCD touch screen etc., which could be used to provide additional game information. *See col. 4:1-5 & col. 5:41-6.*

It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Walker's gaming machine to include a secondary display device, which comprises of a LCD display to output additional game information without taking away the main game display.

Claims 6 and 41. Walker additionally teaches gaming machine is a slot machine, video slot machine, keno game or video poker game. *See fig. 1, 6, 7; col. 3:57-65.*

Claims 7 and 39. Walker teaches a communication interface connected to a network. *See fig. 1, 6, and 7.*

Claims 8 and 40. Hedrick et al. disclose of a network, which is a casino area network. *See col. 9:34-59.*

Claim 11. Walker additionally teaches gaming machine memory storing software for device interfaces that allow the controller to detect player-tracking events from the input device. *See fig. 1, 6, 7; col. 14:60-15:24.*

Claim. 12. Walker teaches a device interface is for a card reader, monitor; touch screen display, keypad, or panel buttons. *See id.*

Claim 16. Walker additionally teaches memory storing software for receiving player tracking events from a site outside the gaming machine. *See fig. 1, 6, 7; col. 5:5-33, 12:35-55.*

Claim 18. Walker additionally teaches memory storing software allowing the controller to receive player tracking information from a site outside the gaming machine and send player tracking information to the site using one or more communication protocols. *See fig. 1, 6, 7; col. 13:19-26, 14:60-15:12.*

Claim 19. The gaming device suggested by Walker in view of Chamoff, Barakai and Nair describes all the features of the claimed subject matter except a "manufacturer player tracking protocol". Regardless of the deficiency, the feature would have been obvious to an artisan. It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the gaming device suggested by Walker in view of Chamoff, Barakai and Nair, to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

Claims 22 and 36. Barakai discloses non-volatile memory for storing user-tracking events. *See col. 2:58-3:3.*

Claim 23. Walker additionally teaches a wireless communication interface. *See col. 12:47-55.*

Claim 32. Walker additionally exchanging data with a server outside the gaming machine. *See fig. 1, 6, and 7.*

4. Claims 9, 10 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barakai and Nair and Hedrick, as applied to claims 1 and 24 above, in further view of Lichtman, U.S. 5,819,107 (Oct. 6, 1998).

Claim 9. The gaming device suggested by Walker in view of Chamoff, Barakai and Nair teaches all the features of the claim except storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Lichtman.

Lichtman discloses a method for interfacing a peripheral devices in a computer to simplify the process of installation or upgrading of components. *See col. 3:6-30.* In specific regards to the claimed subject matter, Lichtman discloses storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. *See col. 4:64-5:7.*

In view of Lichtman, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by The gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick, wherein a plurality of peripheral devices are interfaced to a central processor in a networked

gaming device, to add the feature of storing a plurality of device drivers in memory that support a plurality of industry standard and manufacturer specific communication protocols such that device driver may be replaced without changing the interface. The modification would simplify the installation or upgrading of gaming device peripherals, including player-tracking devices, by reducing the time and expense required to solve hardware and software integration problems.

Claims 10 and 27. Lichtman additionally teaches supporting various device driver and communication protocols. *See fig. 1-7.* NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel are known, industry standard protocol. Thus, it would have been obvious to an artisan at the time of the invention to modify the gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick and Lichtman, wherein the system supports various protocols for external devices, to add the features of NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel are known, industry standard protocol and thereby allow the system to support devices commonly used in the industry.

Claims 25 and 30. The gaming device suggested by Walker in view of Chamoff, Barakai, Nair, Hedrick and Lichtman describes a networked gaming device wherein a player tracking device is interfaced with a gaming controller which transmits data to a remote server to evaluate player tracking events. Furthermore, Lichtman discloses devices drivers for interfacing the controller and the peripheral devices using a various communication protocols. Hence the combination describes all the features of the instant subject matter except software for translating communication protocols.

Regardless, it is notoriously well known to provide communication protocol translators to allow devices operating with one protocol (e.g. SCSI) to communicate with devices using a second protocol (e.g. Ethernet). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming system suggested by Walker in view of Chamoff, Barakai, Nair, Hedrick and Lichtman, wherein the devices operate with a plurality of protocols are connected to a network, to add the feature of a communication protocol translator to format the data generated by a device in a manner compatible with the network in order to communicate data generated by a player tracking device to a remote server.

Claims 26 and 28. Walker additionally teaches a device interface is a card reader, monitor; touch screen display, keypad, or panel buttons. *See fig. 1, 6, 7; col. 14:60-15:24.*

Claim 29, Lichtman additionally teaches replacing a first device driver with a second device driver different from the first device driver wherein interface corresponding the device drivers is not changed. *See fig. 4a-c, 5, 11b; 8:54-9:54.* More specifically, Lichtman allows selection and changing of a plurality of devices drivers to support a plurality of peripheral devices without changing the interface. *See id.*

Claim 31. The gaming device suggested by Walker in view of Chamoff, Barakai, Nair, Hedrick and Lichtman describes all the features of the claimed subject matter except a "manufacturer player tracking protocol". Regardless of the deficiencies, the features would have been obvious to an artisan. It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own

design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the player tracking system suggested by Walker in view of Chamoff, Barakai, Nair, Hedrick and Lichtman to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

5. Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barakai, Nair and Hedrick, as applied to claims 1, 24 and 34 above, in further view of Boushy, U.S. Patent 6,183,362 (Feb. 6, 2001).

The gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick describes all the features of the instant subject mater except connecting the communication interface to two different networks using the same communication connection wherein the connection is Ethernet. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Boushy.

Boushy discloses an analogous player tracking system wherein gaming devices are connected to two different networks using the same communication connection wherein the connection is Ethernet. *See fig. 1; col. 2:15-53.* The system allows a player tracking networks from different casino properties to share player-tracking information. *See id.*

In view of Boushy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick, wherein a gaming device is connected to a network for player tracking, to add the feature of connecting the gaming device to two different networks using the same communication connection to share player tracking information between casino properties and thereby develop more complete player tracking data.

6. Claims 17, 21, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barakai, Nair and Hedrick, as applied to claims 1, 24 and 34 above, in further view of Acres et al., U.S. Patent 5,702,304 (Dec. 30, 1997) (hereinafter "Acres '304").

Claims 17 and 33. The gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick describes all the features of the instant subject matter except collecting data on time and date. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of Acres '304.

Acres '304 discloses an analogous player tracking system wherein the system collects data including time of play. *See col. 3:19-35.* In view of Acres '304, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick to add the feature of tracking date and time data to allows operators to compile

gambling timing data and thereby enhance the operators ability to predict gambling habits and thereby tailor incentive to maximize revenues.

Claims 21 and 22. Acres '304 additionally describes detecting power failures and storing data in non-volatile data to increase the reliability of player tracking data in case that a gaming device losses power. *See col. 9:17-33.*

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chamoff, Barakai, Nair and Hedrick, as applied to claims 1 and 24 above, in further view Pease, U.S. Patent 5,766,076 (Jun. 16, 1998) and Kelly, U.S. Patent 6,293,865 (Sep. 25, 2001)

The gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick describes a player tracking system with a device that inputs player tracking information from a card to identify a player and associate the player with tracking and account data. *See col. 5:5-20, 12:35-46.* Hence, the gaming device suggested by the combination of Walker in view of Chamoff, Barakai, Nair and Hedrick describes all the features of the instant subject matter except finger prints, sound devices, bar-coded tickets, wireless devices and PDAs.

Pease describes an analogous player tracking system in which a card reader receives a card encoded with identification data. *See col. 3:36-4:9.* It suggests that identification may be also be provided by voiceprint, retinal scan, fingerprint, smart cards or other identification configured with a memory and microprocessor. *See id.* Magnetic cards, smart cards, finger prints, sound devices and bar-coded tickets are

known equivalents for identifying a player at a gaming device using encoded documents or biometric data.

Kelly discloses another analogous system for network gaming wherein player identification is required to access data stored in a remote database on a server. *See col. 3:31-39.* It describes transferring identification information with a game unit using a PDA's wireless link. *See col. 3:59-62.*

In view of Pease and Kelly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming device suggested by Walker in view of Chamoff, Barakai, Nair and Hedrick, wherein identification cards are used as player tracking inputs, to add the features of finger prints, sound devices, bar-coded tickets, wireless devices and PDAs to enhance the player tracking system by accepting different identification means offering various levels of security, convenience and cost.

Response to Arguments

8. Applicant's arguments with respect to claims 1,3-14, 16-41 have been considered but are deemed non-persuasive.

The applicant argues that neither Walker et al. nor the combination of Walker et al. with Chamoff et al., Barakai et al., Nair et al. and Hedrick, teach a wireless communication interface for reading player tracking card information stored on a wireless device. The examiner respectfully disagrees with the applicant. Walker teaches of wireless network between plurality of slot machines and slot machine

network, where in the network server contains all game related activity information being passed from the slot machines to the slot network server (gaming activity related information could include items such as amount wagered by the player, player win/loss amount etc.) *Col. 12:47-4.*

Regarding the rest of the applicant's arguments, since Walker in combination with Chamoff, Barakai, Nair and Hedrick discloses all of the claimed limitations, all of the dependent claims have also been rejected (see the rejection above).

Consequently, the rejection is maintained as such, the response to the arguments is provided above and in the rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

JOHN M. HOTALING, II
PRIMARY EXAMINER